

## **RESEARCH APPENDIX**

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ **Appendix D** ... has been added to the **2017 LRB-6070**

**Appendix A** ☞ LRB 17-5985

**Appendix C** ☞ LRB 17-6025

**Appendix B** ☞ LRB 17-5990

**Appendix D** ☞ LRB 17-6051

**2017 DRAFTING REQUEST**

**Bill**

For: **Legislative Reference Bureau**

Drafter: **chanaman**

By:

Secondary Drafters:

Date: **11/26/2018**

May Contact:

Same as LRB:

Submit via email: **NO**

Requester's email:

Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Minimum federal expenditures for certain DOT projects

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/26/2018	kmochal 11/26/2018			
/P1	zwyatt 11/28/2018	kmochal 11/28/2018	dwalker 11/26/2018		State S&L
/P2	zwyatt 11/30/2018	kmochal 11/30/2018	lparisi 11/28/2018		State S&L
/P3			dwalker 11/30/2018		State S&L

FE Sent For:

<END>



State of Wisconsin  
2019 - 2020 LEGISLATURE

-6051/P1  
LRB-0841/P4  
ZDW:klm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1     **AN ACT** *to create* 84.54 and 86.51 of the statutes; **relating to:** requirements for  
2             highway projects receiving federal funding and disclosures and requirements  
3             relating to local highway projects.

---

***Analysis by the Legislative Reference Bureau***

This bill provides that for Southeast Wisconsin freeway megaprojects, major highway development projects, and state highway rehabilitation projects for which the Department of Transportation spends federal money, federal money must make up at least 70 percent of the aggregate funding for those projects. The bill provides that if DOT determines it cannot meet this requirement, DOT may submit a proposed alternate funding plan to the Joint Committee on Finance for review under its passive review procedure.

The bill requires DOT to notify political subdivisions receiving aid for local projects whether the aid includes federal moneys and how those moneys must be spent. The bill prohibits DOT from requiring political subdivisions to comply with DOT requirements relating to the facilities development process for projects on which no federal moneys are expended.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 84.54 of the statutes is created to read:

2           **84.54 Minimum federal expenditures for projects receiving federal**  
3           **funding.** (1) Except as provided in sub. (2), for all of the following projects on which  
4           the department expends federal moneys, the department shall expend federal  
5           moneys on not less than 70 percent of the aggregate project components eligible for  
6           federal funding each fiscal year:

7           (a) Southeast Wisconsin freeway megaprojects.

8           (b) Major highway development projects.

9           (c) State highway rehabilitation projects.

10          **(2)** If the department determines it cannot meet the requirements under sub.  
11          (1), the department may submit a proposed alternate funding plan to the joint  
12          committee on finance. If the cochairpersons of the committee do not notify the  
13          department within 14 working days after the date of the department's submittal that  
14          the committee has scheduled a meeting for the purpose of reviewing the proposed  
15          plan, the department may expend moneys as proposed in the plan. If, within 14  
16          working days after the date of the submittal, the cochairpersons of the committee  
17          notify the department that the committee has scheduled a meeting for the purpose  
18          of reviewing the proposed plan, the department may expend moneys as proposed in  
19          the plan only upon approval of the committee.

20          **SECTION 2.** 86.51 of the statutes is created to read:

21          **86.51 Requirements for local projects.** (1) In this section:

22          (a) "Local bridge" means a bridge that is not on the state trunk highway system  
23          or on marked routes of the state trunk highway system designated as connecting  
24          highways.

1 (b) "Local roads" means streets under the authority of cities or villages, county  
2 trunk highways, or town roads.

3 (c) "Political subdivision" means a county, city, village, or town.

4 (d) "Project" means the development, construction, repair, or improvement of  
5 a local road or a local bridge.

6 (2) If the department disburses aid to a political subdivision for a project, the  
7 department shall notify the political subdivision whether the aid includes federal  
8 moneys and which project components must be paid for with federal moneys, if any.

9 (3) For any project conducted by a political subdivision for which no federal  
10 moneys are expended, the department may not require the political subdivision to  
11 comply with any department policy, procedural requirement, or guidance relating to  
12 the facilities development process.

13 **SECTION 3. Initial applicability.**

14 (1) This act first applies to projects let and aid disbursed on the effective date  
15 of this subsection.

16 **SECTION 4. Effective date.**

17 (1) This act takes effect on July 1, 2019, or on the first day of the 2nd month  
18 beginning after publication, whichever is later.

19 (END)



State of Wisconsin  
2019-2020 LEGISLATURE  
2017-2018

IN 11/28/2018  
OUT 11/28/2018

LRB-0841/P7 6051/P2  
ZDW:klm

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to create 84.54 and 86.51 of the statutes; relating to: requirements for  
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3 relating to local highway projects.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that for Southeast Wisconsin freeway megaprojects, major highway development projects, and certain state highway rehabilitation projects for which the Department of Transportation spends federal money, federal money must make up at least 70 percent of the aggregate funding for those projects. The bill provides that if DOT determines that it cannot meet this requirement or that it can make more effective and efficient use of federal money, DOT may submit a proposed alternate funding plan to the Joint Committee on Finance for review under its passive review procedure.

The bill requires DOT to notify political subdivisions receiving aid for local projects whether the aid includes federal moneys and how those moneys must be spent. The bill provides that, for projects that receive no federal money and that are reviewed and approved by a professional engineer or the county highway commissioner, DOT may not require political subdivisions to comply with any portion of DOT's facilities development manual other than design standards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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1           **SECTION 1.** 84.54 of the statutes is created to read:

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3 **funding.** (1) Except as provided in sub. (2), for all of the following projects on which  
4 the department expends federal moneys, the department shall expend federal  
5 moneys on not less than 70 percent of the aggregate project components eligible for  
6 federal funding each fiscal year:

7           (a) Southeast Wisconsin freeway megaprojects.

8           (b) Major highway development projects.

9           (c) State highway rehabilitation projects with a total cost of less than \$10  
10 million.

11           (2) If the department determines that it cannot meet the requirements under  
12 sub. (1) or that it can make more effective and efficient use of federal moneys than  
13 the use required under sub. (1), the department may submit a proposed alternate  
14 funding plan to the joint committee on finance. If the cochairpersons of the  
15 committee do not notify the department within 14 working days after the date of the  
16 department's submittal that the committee has scheduled a meeting for the purpose  
17 of reviewing the proposed plan, the department may expend moneys as proposed in  
18 the plan. If, within 14 working days after the date of the submittal, the  
19 cochairpersons of the committee notify the department that the committee has  
20 scheduled a meeting for the purpose of reviewing the proposed plan, the department  
21 may expend moneys as proposed in the plan only upon approval of the committee.

1       **SECTION 2.** 86.51 of the statutes is created to read:

2       **86.51 Requirements for local projects. (1)** In this section:

3           (a) "Local bridge" means a bridge that is not on the state trunk highway system  
4       or on marked routes of the state trunk highway system designated as connecting  
5       highways.

6           (b) "Local roads" means streets under the authority of cities or villages, county  
7       trunk highways, or town roads.

8           (c) "Political subdivision" means a county, city, village, or town.

9           (d) "Project" means the development, construction, repair, or improvement of  
10      a local road or a local bridge.

11          **(2)** If the department disburses aid to a political subdivision for a project, the  
12      department shall notify the political subdivision whether the aid includes federal  
13      moneys and which project components must be paid for with federal moneys, if any.

14          **(3)** For any project meeting all of the following criteria, the department may  
15      not require a political subdivision to comply with any portion of the department's  
16      facilities development manual other than design standards:

17           (a) The project proposal is reviewed and approved by a professional engineer  
18      or by the highway commissioner for the county in which the project will be located.

19           (b) The project is conducted by a political subdivision with no expenditure of  
20      federal money.

21       **SECTION 3. Initial applicability.**

22           (1) This act first applies to projects let and aid disbursed on the effective date  
23      of this subsection.

24       **SECTION 4. Effective date.**



1 (1) This act takes effect on July 1, 2019.

2 (END)

## Wyatt, Zachary

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, November 29, 2018 6:30 PM  
**To:** Wyatt, Zachary  
**Subject:** Be prepared

To redraft -6051, -6070, and ~~-6054~~ *-6074* *per RAC*

To allow construction to continue while going through the passive review process, including hearing

Go ahead and redraft in the morning.



State of Wisconsin  
2017 - 2018 LEGISLATURE

in 11/20/2018  
OUT NDL

LRB-6051/P2/P3  
ZDW:klm

WJEP

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT to create** 84.54 and 86.51 of the statutes; **relating to:** requirements for  
2 highway projects receiving federal funding and disclosures and requirements  
3 relating to local highway projects.

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***Analysis by the Legislative Reference Bureau***

This bill provides that for Southeast Wisconsin freeway megaprojects, major highway development projects, and certain state highway rehabilitation projects for which the Department of Transportation spends federal money, federal money must make up at least 70 percent of the aggregate funding for those projects. The bill provides that if DOT determines that it cannot meet this requirement or that it can make more effective and efficient use of federal money, DOT may submit a proposed alternate funding plan to the Joint Committee on Finance for review under its passive review procedure.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 84.54 of the statutes is created to read:

2           **84.54 Minimum federal expenditures for projects receiving federal**  
3 **funding.** (1) Except as provided in sub. (2), for all of the following projects on which  
4 the department expends federal moneys, the department shall expend federal  
5 moneys on not less than 70 percent of the aggregate project components eligible for  
6 federal funding each fiscal year:

7           (a) Southeast Wisconsin freeway megaprojects.

8           (b) Major highway development projects.

9           (c) State highway rehabilitation projects with a total cost of less than \$10  
10 million.

11           (2) If the department determines that it cannot meet the requirements under  
12 sub. (1) or that it can make more effective and efficient use of federal moneys than  
13 the use required under sub. (1), the department may submit a proposed alternate  
14 funding plan to the joint committee on finance. If the cochairpersons of the  
15 committee do not notify the department within 14 working days after the date of the  
16 department's submittal that the committee has scheduled a meeting for the purpose  
17 of reviewing the proposed plan, the department may expend moneys as proposed in  
18 the plan. If, within 14 working days after the date of the submittal, the  
19 cochairpersons of the committee notify the department that the committee has  
20 scheduled a meeting for the purpose of reviewing the proposed plan, the department  
21 may expend moneys as proposed in the plan only upon approval of the committee.

1           **SECTION 2.** 86.51 of the statutes is created to read:

2           **86.51 Requirements for local projects.** (1) In this section:

3           (a) "Local bridge" means a bridge that is not on the state trunk highway system  
4           or on marked routes of the state trunk highway system designated as connecting  
5           highways.

6           (b) "Local roads" means streets under the authority of cities or villages, county  
7           trunk highways, or town roads.

8           (c) "Political subdivision" means a county, city, village, or town.

9           (d) "Project" means the development, construction, repair, or improvement of  
10          a local road or a local bridge.

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14          (3) For any project meeting all of the following criteria, the department may  
15          not require a political subdivision to comply with any portion of the department's  
16          facilities development manual other than design standards:

17          (a) The project proposal is reviewed and approved by a professional engineer  
18          or by the highway commissioner for the county in which the project will be located.

19          (b) The project is conducted by a political subdivision with no expenditure of  
20          federal money.

21          **SECTION 3. Initial applicability.**

22          (1) This act first applies to projects let and aid disbursed on the effective date  
23          of this subsection.

24          **SECTION 4. Effective date.**

WS 4-1

1

(1) This act takes effect on July 1, 2019.

2

(END)

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-6051/P3ins  
ZDW:...

**INS 2-21**

The department may continue with any projects subject to the funding requirement under sub. (1) while the committee conducts its review, including any hearings conducted by the committee.

**INS 3-22**

(1) REQUIREMENTS FOR HIGHWAY PROJECTS. The treatment of ss. 84.54 and 86.51 first applies to projects let and aid disbursed on the effective date of this subsection.

**INS 4-1**

(1) REQUIREMENTS FOR HIGHWAY PROJECTS. The treatment of ss. 84.54 and 86.51 and SECTION (3)(1) of this act take effect on July 1, 2019.

*Handwritten notes:*  
A circle containing "CS" is connected by a line to "SECTION (3)(1)".  
Two lines branch from "SECTION (3)(1)" to "AR" and "AR".

USE AS INSERT

INS 14-11

The department may continue with any projects subject to the funding requirement under sub. (1) while the committee conducts its review, including any hearings conducted by the committee.

**SECTION 2.** 86.51 of the statutes is created to read:

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(2) If the department disburses aid to a political subdivision for a project, the department shall notify the political subdivision whether the aid includes federal moneys and which project components must be paid for with federal moneys, if any.

(3) For any project meeting all of the following criteria, the department may not require a political subdivision to comply with any portion of the department's facilities development manual other than design standards:

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**SECTION 3. Initial applicability.**





State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6051/P3  
ZDW:klm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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22 (b) The project is conducted by a political subdivision with no expenditure of  
23 federal money.

24 **SECTION 3. Initial applicability.**

(1) REQUIREMENTS FOR HIGHWAY PROJECTS. The treatment of ss. 84.54 and 86.51 first applies to projects let and aid disbursed on the effective date of this subsection.

**SECTION 4. Effective date.**

(1) REQUIREMENTS FOR HIGHWAY PROJECTS: The treatment of ss. 84.54 and 86.51 and SECTION 3 (1) of this act take effect on July 1, 2019.

**(END)**